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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,054	09/20/2000	Sang Ho Lee	HI-017	5515

7590 12/18/2003

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EXAMINER

WAHBA, ANDREW W

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/18/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,054

Applicant(s)

LEE, SANG HO

Examiner

Andrew W Wahba

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,11,12 and 22-25 is/are rejected.
- 7) ☐ Claim(s) 2, 4, 7-10, 13-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5, 6, 11, and ¹²⁻¹⁶~~12~~_Λ are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 5, the limitations of the terms "virtual path" and "virtual channel" and the manner in which they correspond to "0 and 255" or "1 and 255" is not understood. With respect to claim 6, the limitations of the terms "virtual path" and "virtual channel" and the manner in which they correspond to zero is not understood.

With respect to claim 11, the limitation of the phrase "simultaneously mounted to slots" is not understood, as there is no significance to the timing in which boards are mounted.

With respect to claim 12, the limitations in lines 11-14 are not understood.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

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the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 22, 23, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumura et al. With respect to claim 1, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitation in which a first board is identified as active and a second board is identified as standby, Matsumura et al discloses an input selector initially directs cell flow to the active system (column 4, lines 46-48). With respect to the claim limitations that the state information of the first and second boards are monitored using a plurality of input and output ports and a determination of an active or standby state is made according to the monitored state information, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38). With respect to the claim limitation in which switching to the second board is performed according to generated information in the form of ATM cell information, data cells are classified according to a delay class that is maintained in the temporary storage unit (column 5, lines 7-34).

With respect to limitations in claim 3, in which conversion between the active and standby recognized the state of each board, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38).

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With respect to claim 22, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitations that recognizing state information of the first and second control board by monitoring a plurality of input and output ports and transfer active authority from one board to the other, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38). With respect to the claim limitation of forming ATM cell information from data being processed by one of the boards, Matsumura et al discloses data cells are classified according to a delay class that is maintained in the temporary storage unit (column 5, lines 7-34).

With respect to claim 23, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitation of an interface circuit to coupled to an input/output bus, Matsumura et al discloses an active system that is connected to both an input and output selector as shown in FIG 2. With respect to the claim limitation that a control circuit maintain an active state as well as the limitation that a plurality of input/output ports coupled to an input/output bus to transmit state information, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38).

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With respect to the limitations of claim 24, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38).

With respect to claim 25, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitation of recognizing state information of an opponent board from information of the input/output ports connecting the master and slave boards, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38). With respect to limitation that switching the duplexing according to the general information and the formed ATM cell information, data cells are classified according to a delay class that is maintained in the temporary storage unit (column 5, lines 7-34).

Allowable Subject Matter

5. Claims 2, 4, 7-10, 13-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

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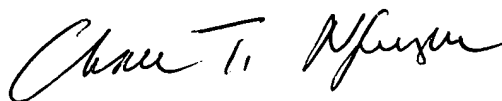
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9509.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Wahba

AW

December 12, 2003



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